

New York, Sunday, January 9, 1842.

New York Lancet in Boston.

Persons wishing to subscribe to the "New York Lancet," in Boston, will please leave their names and addresses at the office of the Herald, No. 5 State street, where single copies will also be for sale.

REDDING, AUSTIN.

State street, Boston.

Trial of the Reverend Mr. Van Zandt.

By Pomeroy's Express from Rochester. We received yesterday the proceedings of the Circuit Court of last Monday, in the trial of the Rev. Mr. Van Zandt. It consists principally of the speech of Mr. Sibley, the counsel of the Reverend defendant—and it would seem that the verdict will be in his favor. It was expected that the case would be given to the jury on Wednesday morning. We shall receive the result probably to-morrow morning.

This trial has created a prodigious interest in this city—and the sale yesterday of the Weekly Herald was nearly 20,000 copies.

POSTSCRIPT.

By Pomeroy's Express from Rochester.

We received last evening the following "Extra" from the "Rochester Evening Post" of Wednesday, with the verdict from the Jury for Sophia Murdock, of \$83,000—a large amount truly!

WEDNESDAY MORNING, JAN. 5—6 o'clock. TRIAL OF REV. W. VAN ZANDT.—Judge Sampson addressed the Jury yesterday afternoon, in behalf of the plaintiff. The Judge delivered a clear and sound charge, and the Jury retired about six o'clock. After an absence of some four hours, they returned a verdict of \$83,000 for the plaintiff, (Sophia Murdock.)

Congress.

The Senate did not sit on Friday, and the House of Representatives devoted the day to the reception of petitions; it was, however, mainly consumed by an irregular discussion on the subject of abolition petitions, which have been so framed, as, in some measure, to evade the 21st rule. Our Congressional report is interesting as a picture of a day worthily spent by our representatives.

F of Temperance in Washington.

Conversion of Mr. Marshall, the distinguished Kentucky M. C.

The cause of temperance is making rapid progress in Washington, but no conquest has equalled that of the Hon. Thomas F. Marshall, a representative in Congress, from the State of Kentucky. This event, which will gladden so many hearts, took place on Friday, when Mr. Marshall signed a pledge, drawn up for him in the House of Representatives, by the Hon. Mr. Briggs of Massachusetts. In the evening he attended a meeting of the Temperance Society, in the Lecture Room of the Medical College, and made a public acknowledgment of the step he had taken, and, in a pathetic strain, depicted the moving and immediate cause. In his peculiar eloquent style, this gifted man drew an appalling picture of the loathsomeness of drunkenness and the debasement of the form which God made in his own image; but its effects went beyond physical, to the intellectual part of man, a contemplation of which had alarmed him, and hence his public abandonment of the cause of so many woes. Never has the cause of temperance brought to its aid so brilliant an intellect, and his eloquence, now, doubtless, to be partially diverted from political partisanship to the cause of man's moral elevation, will find ample room and verge enough for its highest flights, to charm and allure others from degradation to the pathway of social happiness, and intellectual advancement.

LATE FROM THE REPUBLIC OF YUCATAN.—We have received "El Siglo Diez y Nueve" the Boletín "Comercial" and "El Yucateco Libre" published in Yucatan, to the 10th ult.

It does not appear that that promising little Republic has again bent its neck to the yoke of Mexican despotism. The Yucatan will not yield to the request of the Mexicans, except upon condition that Yucatan shall have her own legislature to make her municipal laws—then till she learns from Mexico that the constitution of '24 has been fully re-established, and that all the other States may enjoy the same rights.

We learn that the Governor of Yucatan has issued a decree declaring a general pardon to all criminals confined in the prisons of the State, for offences other than murder, committed prior to the first of September last, and to all counterband dealers and persons guilty of assault in contraband cases, provided that such crimes should have been perpetrated before the 10th December, 1840. Fugitive criminals are included in this amnesty, provided they give themselves up within three months from the date of its promulgation.

The annexed letter we received by the Lucinda. What it contains is not so late as the above, but it is nevertheless interesting.

[Correspondence of the New York Herald Office.]

MÉRIDA DE YUCATAN NOV. 15, 1841. Now for the news, such as it is. The declaration of independence has not yet taken place. Santa Anna has appointed commissioners to make terms with this State. The government is, therefore, waiting the arrival, before declaring it, from motives of policy. They are at present virtually free. They have a government of their own, a tariff of their own imposition, and an army of their own. In fact, if they do not take it into their heads to go back to the confederation of '26, they are likely to become a prosperous nation.

Mr. Stephens and companions left here for Umal on the 13th—nothing is known here of his future course. Dr. Cabot, the naturalist, who accompanies him, has been astonishing the good people here with the surgical operation of strabismus, which appears to be as prevalent an infirmity here as the gonorrhea in Philadelphia. He had no less than six subjects on his table in one day, old and young, male and female; among whom was General Anaya, (late of Mexico, but now doing penance as an exile for his good services, in her battles, (all of which operations were performed with great success; in fact, they made so many applications that he was obliged to "shut up shop," and drive them off.

Among other distinguished personages in this capital, we are acquainted with the late commander of the Mexican fleet; but now, like most of the best men of Mexico, an exile from her territory. I have just recovered from a severe attack of the black vomit.

There are no Consuls at either this place or Campeche.

D. L. N.

Sisal, 20th November, 1841.

The Texas schooner of war San Antonio, from a cruise, was at Sisal on the 20th of November. Following is a list of her officers—Wm. Seager, Com. Lieut. Comm'dr.; A. A. Waite, Lt. Lieut.; Cyrus Cummings, 2d do.; D. C. Wilber, Master; R. M. Clarke, Surgeon; Wm. F. Maury, Purser; M. H. Darbord, Acting Master; Charles S. Arcambou, Passed Midshipman; Wm. H. Allen, Midshipman; Edward Jones, do.; Fred Sheppard, Boatwain; Thos. Gilmore, Carpenter; J. M. Thompson, Clerk.

Musical.

The RAISERS, or celebrated Tyrolean vocalists, have just arrived in town, and intend to give a series of Concerts here the next few weeks. These artists are of course from Boston, where they have sung to great houses, and received much applause.

Signor DE BEVIS, the Italian artist, intends to give a Concert, in a week or two.

Signor WATSON, the great critic of the "New York World," is cutting up the musical talents of Mr. Brahms, in a very savage way. We suppose Mr. B. is as much concerned at this, as the king of the forest is, when a mouse makes a terrific attack at one of the locks on his majestic mane.

PARK THEATRE.—The weather has conspired against the new comedy; certainly nothing else can prevent the house from being crowded; for if the farce is deficient in originality, the excellence of the acting should attract attention. We would suggest to Capt. Tarradiddle the propriety of making the first syllable in the word *donna* short. This is according to the pronunciation of the French, but the English make it long. However, we consider the former gentleman the best authority. What do you think, Captain?

CHATHAM THEATRE.—Hill, the best delineator of Yankee character, commences an engagement here on Monday night. The Manager himself appears in the afterpiece.

The University Surgical Clinique Broken Up.—The Medical Revolution in all its Glory.

Yesterday at the usual hour, about three hundred Students and Medical men assembled at the University Institute, to see whether the Faculty would exclude the public press; and along with them some two or three score of the hall, the maimed, and the blind who had come from the dim lanes and alleys of the city to seek the aid of benevolent skill. But the molly crowd was completely disappointed. The doors of the clinique were closed. Dr. Mott had retired to attend because the Editor of the *Lancet* was expected to be there to report the proceedings! So the cripples and the crooked, the cross-eyed and the tongue-tied, had to go their ways, to seek some other Bethesda, little dreaming that their grievous bodily infirmities were far more easily got rid of than the corrupting moral diseases and blundering agencies of evil, that had thus turned the poor sufferers away without sympathy or succor. And the students too, dispersed, muttering sundry vigorous expressions, "not loud but deep," and wondering where all this was to end. And the physicians who had come to see the sport, looked wise, and shook their heads, as they stepped into their carriages, and drove hurriedly off, as if they were fleeing from the grasp of a dun, or the reproachful eyes of some poor devil of a patient whom they had reduced to the last extremity! "Has Dr. Mott resigned?" asked one. "The school is exploded!" exclaimed another. "I'll go home!" sighed a third. "Come to us!" said a grinning fellow from Crosby street, "we still keep open doors!" "They can't put down the *Lancet*," remarked a portly looking gentleman in black, "old Abernethy tried that game in London, but he was soon taught better sense." "Let us go down and subscribe to the *Lancet*!" exclaimed half a dozen in one breath.

So, the Faculty seem bent on ruin. 'Tis pity. We are sorry that they have taken this step. The clinique does a great deal for them. It was the great inducement which brought many of the students. It was also of immense value to the afflicted poor of the city. But the interests of the school—the improvement of the students, and a more intelligent and gentlemanly body of young men was never collected, we understand, within the walls of any College—the relief of the afflicted sons and daughters of poverty and wretchedness—the good opinion of an enlightened and discerning public—all must be sacrificed to individual caprice!

It is greatly to be deplored that this institution, which was generally regarded as founded on the most liberal and equitable principles, should turn out to be so illiberal and unjust. The Crosby street school would seem to be awakening their energies, and preparing to enter on a different course from that unfortunately now pursued by their new rival—they have opened a surgical clinique, and instead of throwing obstacles in the way of the editor of the *Lancet*, they offer him every facility, as the conductor of a popular and independent medical journal.

By the bye, we may add that there are some curious pieces of history connected with the exploded clinique, which we intend giving to the public, as part and parcel of the chronicles of this latter day of light and liberty, revolutions and explosions.

Latest from Albany.

[Correspondence of the Herald.]

ALBANY, JAN. 6, 1842.

To day and yesterday, we have had weather that would be no discredit to the polar regions. Last night was the coldest of the season, and at this present writing it has moderated a little, and there is every prospect of a snow storm. Winter has set in in good earnest.

The surface of our great political ocean here continues untroubled, but the undercurrent that is beginning to set in, affords evidence of the storms that are brewing. The recent appointments have not given general satisfaction, and the threatenings thereof of the disappointed and their friends, are loud and deep. There is, beyond question, a very large portion of the democratic party, who are determined not to submit to any dictation from the old regency clique. To what extremes their opposition will carry them, the result of the election for State officers will doubtless determine. Meanwhile, the whigs, eager to take advantage of any disension in the ranks of their opponents, are using every endeavor and means in their power to "fan the embers of discord."

The majority in both branches certainly number a great many talented men in their ranks, while the whigs, in the lower house especially, are woefully behind in that particular. The New York members have done their share so far. Mr. McMurray is a very good speaker, the best, I think, in the delegation. Mr. Davzac made his debut to-day, and created quite a sensation, at his broken English and enthusiastic manner. Messrs. Swackhamer and Grout have taken quite a prominent part in the proceedings thus far. There is one member of the city delegation who never rises without throwing the house and audience in a roar of laughter, by his ludicrous manner, and jumbled up, confused remarks. Yet he is always eager to say something, and is ever watching his opportunity to speak. I refer to Mr. George Bennett, a member of the delegation, and a peculiar style is out of the question, but I will endeavor nevertheless to give you some idea of it. The gentleman (his arm in a sling,) springs to the floor, jerks forward his head, and shouts in a sharp quivering voice, that it would puzzle even a Philadelphia lawyer to unravel. It would seem that he cannot, for the life of him, express the most simple idea in less than a volume of words. The worst of all is, he is continually being the house, but for that he would remain unnoted.

There was but little of general importance in either house to-day. The time of the Senate was chiefly taken up in the balloting for standing committees, who were all appointed. Judge Scott gave notice of a bill to repeal the act of 1837, which gave the New York Registry Law. Also, of his intention to introduce one to repeal the law reorganizing the New York Criminal Courts.

In the Assembly, a petition was presented from the Citizens of the County of Albany, praying a repeal of the law reorganizing the New York Criminal Courts, and preventing aidmen from assisting in the dispensation of justice. It was read, and referred to the proper committee.

Mr. Horstmann moved, that the Committee on Education be continued, and that the Committee on Medical Colleges and Practice, be restored to the list of standing committees, as he considered the subjects of great general importance.

Mr. McMurray, in reply stated, that the committee to whom the matter had been referred, had been governed solely by the consideration that it was wholly unnecessary to multiply the standing committees, as there were enough of them already, there being now twenty-nine.

Mr. Davzac considered this subject (Medical Schools,) of great importance. It had been his fortune in early life to commence the study of medicine, and he considered the profession of a physician as one of the noblest and most important in the world. He, therefore, hoped this Committee would be retained, and that if there were any medical gentlemen in the House, as being from their education better qualified, the Speaker would appoint them on such committee.

Mr. Townsend also was in favor of retaining the Committee. He believed that there were annually, or occasionally, appropriations of money made by the State, for the benefit of Medical Colleges. He was therefore in favor of retaining this Committee, if for no other purpose than to look after this money.

Mr. Gorton, for his part, was opposed to the principle of granting money to these institutions.

On the ground that the certainty of support weakened their exertions, whereas, if they depended upon their own means alone for existence, every effort would be made to draw the student to them, and by this competition a higher degree of excellence would be attained.

Mr. McMurray was still of opinion that the Committee was unnecessary. As for the recommendation of Mr. Davzac, that the Committee should consist of one physician, alone, although, he thought as highly of the profession as any one, he apprehended that Mr. Mott only had a bill in mind, which would be a mere form, and would be passed without any real effect. Besides, there were a great many petitions in the winter, and no doubt there would be this year, in favor of the Thompsonian system, and then there was the Homoeopathic, which would have to be referred to that committee, both of which were looked upon as innovations by the regular, legalized medicine, and whether improvement or otherwise, would doubtless be tested accordingly. He thought that a special committee would do better justice to the subject. This brought out Dr. TAYLOR, of Onondagua, who said that for himself he was not tenacious of his own system, but he would like to see the committee retained. He denied the correctness of the allegation that the regular faculty, generally, were opposed to innovation, if such innovation was an actual improvement. He was well aware, that the science of medicine, in accordance with the spirit of the age, was progressing, and that the comparison instituted by the gentlemen, relative to the appointment of physicians, it had no bearing on the subject at all. The bill of last winter, alluded to, related to the subject of a Biddle, and was not, in any way, connected with the committee, which was interested in it, while it was morally impossible to legislate in regard to the physician's fees.

Mr. Davzac said he would deeply regret if by his speech, he had implied that the regular faculty of medicine was not progressive. He thought it was most triumphantly and gloriously so. Operations were so often performed in New York, to become quite vulgar; of such a nature as to astonish a doctor, at Dr. Mott, who was not tenacious of his own system, but he would like to see the committee retained. He denied the correctness of the allegation that the regular faculty, generally, were opposed to innovation, if such innovation was an actual improvement. He was well aware, that the science of medicine, in accordance with the spirit of the age, was progressing, and that the comparison instituted by the gentlemen, relative to the appointment of physicians, it had no bearing on the subject at all. The bill of last winter, alluded to, related to the subject of a Biddle, and was not, in any way, connected with the committee, which was interested in it, while it was morally impossible to legislate in regard to the physician's fees.

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After some further debate the amendment was agreed to, and the bill was passed. A message was received from the Governor, submitting the report of the Commissioners General, and alluding to the dilapidated condition of the Arsenal in New York City.

Mr. Gorton gave notice of his intention to introduce a concurrent resolution, recommending the election of a President and Vice President, to take place on the same day, throughout the Union. A resolution was offered to the effect that both houses should adjourn on the 12th inst., to meet in balloting, and elect a Secretary of State. It lays on the table for one day. The Assembly adjourned.

CAVE ULICIAN.

Literary Notices.

From Mr. Israel Post, 88 Bowery, we have just received Thiers' French Revolution, Nos. 31 and 32.

Also: THE YOUNG PEOPLE'S BOOK, or Magazine of Useful Knowledge, No. 5, Jan. 1842, with a beautiful mezzotint, and other engravings.

Also, THE PEOPLE'S LIBRARY of Choice and Entertaining Literature—continuation of Harry Lorrequer.

George Le Curry & Co., 107 Broadway, have sent us the following—

ENCYCLOPEDIA AMERICANA, No. 1, being a popular dictionary, to be completed in eighty weekly numbers, for 25 cents each number—\$20 complete.

Also, THE COMPLETE WORKS OF CHARLES DICKENS, (100 numbers) weekly numbers, at five dollars.

Also, SEA TALES, No. 1, by the author of the Spy—(J. F. Cooper)—embracing the Pilot, Red Rover, Water Witch, Homeward Bound, and a new story of the two Admirals—terms same as the last mentioned.

The above are all popular works, which cannot fail of success.

The following works have duly come to hand:—THE UNITED STATES DEMOCRATIC REVIEW, for January, 1842, from the Langley's, 77 Chatham street. It contains a capital article on the State of the Union, should be read by every legal voter in the United States. It commences thus—"The Mississippi Bonds must be paid." A special edit, &c. &c. The New York Review, from A. V. Blake, 54 Gold street, January 1842. It contains several valuable articles.

THE CATHOLIC EXPOSITOR, and Literary Magazine, for Jan. 1842.

NO. 1, THE WORKS OF SIR WALTER SCOTT, miscellaneous prose, and poetical. Revised edition, including the complete works of Sir Walter Scott, of the Scottish Border, which has never appeared in any other edition. To be completed in 25 weekly numbers, for \$5. 1 Post, 88 Bowery.

CHARLES O'MALLEY, Vol. 2, with a multitude of comic illustrations, has just been sent to us by the agent, Mr. Hart, of the City of New York. It is a very beautiful edition, and cannot fail to meet with an extensive sale. Of its general character, we need say nothing, as its fame is established.

VOL. 2, Nos. 21 and 22 of CHARLES O'MALLEY, with illustrations by PHILIP—Curry & Hart.

For plaintiff, Messrs. J. V. Girard and Horatio Bogart. For defendant, Messrs. D. Lord, Jr., and J. Van Santvoord.

Richard J. Harbottle vs. James P. Allaire.—On the 27th May, 1839, Mr. Allaire bought of Mr. Jos. H. Pettis, a large amount of money, and gave him a note for \$15,000, with a stipulation that said note should be renewed for three months longer, if desired. The note was discounted at the Long Island Bank. At or near the termination of the term, Mr. Pettis refused to renew the note, and Mr. Pettis, for a similar amount, with which he was to take up the old one, but instead of doing so, he borrowed \$750 cash on it from plaintiff, also a draft for \$400. When the note at the Long Island Bank became due, Mr. Pettis refused to take it up, and naturally refused to pay the misappropriated one he had given to Mr. Pettis, and action is brought.

Mr. Pettis, in giving his testimony, stated that he had agreed with Mr. Harbottle to borrow the \$750 for four days, and pay one percent, or \$7 for that time, which would render the transaction usurious, and defeat the plaintiff. This, however, was denied by another witness, and the question for the jury to decide, was whether the note was as to which testimony was most entitled to belief—if that of Mr. Pettis, then they would find for defendant—otherwise for plaintiff, in the \$1150 advanced.

There was quite a scene in court, and the jury, summoned up, bore rather hard upon Mr. Allaire as to his motives in stipulating for a renewal. Mr. JA. was present, and rose from his seat, declaring that he could not sit quietly by and hear such aspersions regarding his name, and he was finally restored. The jury could not agree, and were discharged.

For plaintiff, Mr. Edward Sanford, and Messrs. Valentine and De Mott. For defendant, Francis H. Cutting, Esq.

An adjourned Circuit will be held at the City Hall, on the 25th instant, for which new trials can be put upon the calendar.

Court of Common Pleas.

Before Judge Ulshoeffer.

JAN. 5.—Wm. J. Dunn vs. J. W. Todd.—Mr. Todd agreed with Mr. Dunn to sell him certain property, which he owned at Chester, near Norfolk, Va., consisting of a brick hotel, barn, blacksmith shop, and other out buildings, with about eleven acres of land "more or less," and to receive in pay dry goods to the amount of \$4,600. The goods were delivered by plaintiff, and a deed, and the property, handed to Mr. Dunn by defendant, but it was subsequently ascertained that the blacksmith shop, and about two acres of land, had not been so included, but were kept back by defendant, and he was accordingly refused to pay the balance according to agreement. The present action was therefore brought. The evidence was full and conclusive in establishing the claim of plaintiff, and the Court recommended that the subject should be referred to a jury, which lasted nearly two days, the jury returned with a verdict in favor of plaintiff for \$1,790, (declaring that fraud had been exercised by defendant in withholding the property in question,) subject to the opinion of the Court on a point of law.

For plaintiff, Messrs. John W. Edmonds and Jno. A. Morrill; Messrs. J. S. Bosworth and H. P. Wanmaker for defendants.

PALM H. GERRIT vs. Henry J. Willis.—In the year 1834 the plaintiff shipped at Montevideo, on board the brig *Saltan*, of which defendant was master, a Tiger, called Andrew Jackson, which he was to deliver to his order at Baltimore. The animal had been kept for a short time in the city, and was then brought to New York, and was sold at auction and brought \$100, which was absorbed by freight and expenses. It was contended on the part of plaintiff, that a demand had been made for the Tiger, by a person in New York, on behalf of the owner, with offer to pay freight and expenses, which was refused. This, however, was denied. The jury gave a verdict in favor of plaintiff for \$150, over freight and expenses.

For plaintiff, Mr. E. C. Gray; for defendant, Messrs. Burr and Benedict.

COURT FOR THE CORRECTION OF ERRORS.—Tuesday, Jan. 4, 1842.—The Court was organized, and such new members as were present were sworn in by the President.

The Court was ready to entertain any business that might be before it; but none offering, the court was adjourned to the third Tuesday of January instant.

Frederick, Md. [Correspondence of the Herald.]
FREDERICK, (Md.) Dec. 31, 1841.
Times and Seasons in Maryland.—Rapidly—Banks—Shiippers, &c.

JAMES GORDON BENNETT, Esq.:
DEAR SIR—

As regards matters and things in this our "back woods city," it is impossible to give a general review; consequently I shall take the most prominent, in expectation of your notice, should no matter of greater importance (which with you is not unusual) arrest your attention. The weather is quite disagreeable; winter in every shape and form imaginable has visited us. This day is very beautiful, however—the heavens are serene and cloudless as in midsummer, and nothing remains to testify to last winter's appearance amongst us, except the congealed masses of mudded snow which cover the streets.

A great anxiety prevails respecting the operation of our Legislature in its present session, and that of the Governor elect (who is to be inaugurated on Monday next) on the currency question. The present Governor, in his Message to the General Assembly a few days ago, has strongly recommended the compulsion of the banks to redeem their issues in specie. That is exactly right. If suspension is good, they have enjoyed it long enough. Then all the rotten concerns will have to show their deformity.

Breakers, tremendous swarms of breakers, are ahead; and to the "Biddle" and "Biddle" and "Biddle" look out for shipwrecks, or more properly bank-wrecks—smashing, crashing, explosions, bankruptcies, suicides, and a thousand ceteras, by the wholesale. The whole country is in a ferment. Half the banks will go by the board. We expect a blow up in our institutions.

The winter of finance—for that too has its season—has set in here rather for the worse. Our Mayor and his clique of abettors find, when too late, that his skill in that science has proved a curse to the business community. For, having collected the issues of our citizens in the private banking business, and used a field for the foreign "shams" which come to town, without regard to the consequences, they are as drugs—the one half of them are worse than Jacksonville Bank notes. Little Biddle would find no difficulty in circulating his stuff here. The railroad notes of Baltimore are about 10 a 12 per cent discount. McLean's financing will be tested shortly. The directors will be under consideration to-morrow at Hagerstown. A meeting of the Washington county farmers for that purpose has been called.

In conclusion, I recommend to your care the witnesses in the *Frederick Case*, from Frederick County Bank, viz: the Cashier and two directors. Direct your frown on any down-caster who may attempt to practice on their good nature. Don't look for repudiation from Maryland—that's out of the question.

CAVE ULICIAN.

N. B.—One hundred shares of stock in the Farmers' and Mechanics' Bank of Frederick County, the par value of which is \$15, were sold to-day at \$17 1/2 a share.

PACKETS FOR EUROPE.—The *Roscoe* (Liverpool), will sail this morning, at nine o'clock. And the *Montreal*, for London, to-morrow at twelve o'clock.

NAVAL.—The U. S. ship *Yorktown* was at Oahu Sept. 30, for Oahu.

The frigate *Columbia*, one of the home squadron, dropped down from the Navy Yard at Boston last Thursday, and is ready for sea.

NEWS FROM VENEZUELA.—The news from Venezuela was to the 14th Sept. The most profound tranquility prevailed throughout the Republic. The question of defining the boundary lines between the territory of Guiana and Venezuela, had also occasioned some little excitement, but nothing serious.

In the Republic of New Grenada, Col. Barriga obtained a complete victory over Obando, one of the Southern factionists, who was at the head of 1800 men. A large number of prisoners were taken among them, General Borrero and Colonel Caicedo.

Circuit Court.

Before Judge Kent.

JAN. 5.—Farmers' and Mechanics' Bank of Maryland vs. John Griffith, Hiram Brown and D. C. Hoyt.

The defendants were co-partners in business, but dissolved in 1837, owing to the Farmers' and Mechanics' Bank a large amount of money. Mr. Griffith resided at New York, but the other partners west. Mr. Brown was a director of the bank, and negotiated the transactions. Instead of paying the notes, as contended that he should have done, he refused to do so, and the question arose, whether or not he was authorized to do so. The jury gave a verdict in favor of plaintiff, for \$7,214 damages, and six cents costs.

For plaintiff, Messrs. J. V. Girard and Horatio Bogart. For defendant, Messrs. D. Lord, Jr., and J. Van Santvoord.

Richard J. Harbottle vs. James P. Allaire.—On the 27th May, 1839, Mr. Allaire bought of Mr. Jos. H. Pettis, a large amount of money, and gave him a note for \$15,000, with a stipulation that said note should be renewed for three months longer, if desired. The note was discounted at the Long Island Bank. At or near the termination of the term, Mr. Pettis refused to renew the note, and Mr. Pettis, for a similar amount, with which he was to take up the old one, but instead of doing so, he borrowed \$750 cash on it from plaintiff, also a draft for \$400. When the note at the Long Island Bank became due, Mr. Pettis refused to take it up, and naturally refused to pay the misappropriated one he had given to Mr. Pettis, and action is brought.

Mr. Pettis, in giving his testimony, stated that he had agreed with Mr. Harbottle to borrow the \$750 for four days, and pay one percent, or \$7 for that time, which would render the transaction usurious, and defeat the plaintiff. This, however, was denied by another witness, and the question for the jury to decide, was whether the note was as to which testimony was most entitled to belief—if that of Mr. Pettis, then they would find for defendant—otherwise for plaintiff, in the \$1150 advanced.

There was quite a scene in court, and the jury, summoned up, bore rather hard upon Mr. Allaire as to his motives in stipulating for a renewal. Mr. JA. was present, and rose from his seat, declaring that he could not sit quietly by and hear such aspersions regarding his name, and he was finally restored. The jury could not agree, and were discharged.

For plaintiff, Mr. Edward Sanford, and Messrs. Valentine and De Mott. For defendant, Francis H. Cutting, Esq.

An adjourned Circuit will be held at the City Hall, on the 25th instant, for which new trials can be put upon the calendar.

Court of Common Pleas.

Before Judge Ulshoeffer.

JAN. 5.—Wm. J. Dunn vs. J. W. Todd.—Mr. Todd agreed with Mr. Dunn to sell him certain property, which he owned at Chester, near Norfolk, Va., consisting of a brick hotel, barn, blacksmith shop, and other out buildings, with about eleven acres of land "more or less," and to receive in pay dry goods to the amount of \$4,600. The goods were delivered by plaintiff, and a deed, and the property, handed to Mr. Dunn by defendant, but it was subsequently ascertained that the blacksmith shop, and about two acres of land, had not been so included, but were kept back by defendant, and he was accordingly refused to pay the balance according to agreement. The present action was therefore brought. The evidence was full and conclusive in establishing the claim of plaintiff, and the Court recommended that the subject should be referred to a jury, which lasted nearly two